IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 25411 of 2006(A)

PETITIONER:

K.MOHANDAS, CHINNU VEEDU,
VAKKANADU P.O. KAREEPRA, KOLLAM, ATTENDER,
(UNDER ORDERS OF TERMINATION),
KAREEPRA PANCHAYATH
SERVICE CO-OP.BANK LTD., 3827,
KAREEPRA, NEDUMANKAVU BRANCH, KOLLAM.

BY ADVS. SRI.P.C.SASIDHARAN
SRI.S.SHAJI

RESPONDENTS:

1. THE JOINT REGISTRAR OF CO-OP.SOCIETIES (GENERAL), KOLLAM.

2. THE KAREEPRA PANCHAYATH SERVICE CO-OP.BANK LTD., 3827, REPRESENTED BY ITS SECRETARY, KAREEPRA, KUZHIMATHICADU P.O. KOLLAM.

3. THE PRESIDENT, KAREEPRA PANCHAYATH SERVICE CO-OP.BANK LTD. 3827, KAREEPRA, KUZHIMATHICADU P.O. KOLLAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DATED 21.02.2005.

EXT.P2: TRUE COPY OF THE ORDER DATED 19.04.2005 ISSUED BY THE 3RD RESPONDENT.

EXT.P3: TRUE COPY OF THE ORDER DATED 30.08.2006.

EXT.P4: TRUE COPY OF THE O.P.CARD OF MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM.

RESPONDENTS' EXHIBITS:

EXT.R2(A): TRUE COPY OF THE RESIGNATION LETTER DATED 21.02.2005.

EXT.R2(B): TRUE COPY OF THE CHARGE MEMO ISSUED TO THE PETITIONER.

EXT.R2(C): TRUE COPY OF THE UNCONDITIONAL APOLOGY LETTER SUBMITTED BY THE PETITIONER LETTER DATED 23.09.2004.

//true copy//

P.S. To Judge

sk/-

K.M.JOSEPH, J.

W.P.(C) No.25411 2006 A

Dated this the 4th day of June, 2007.

JUDGMENT

The petitioner challenges Ext.P3, an order passed by the 1st respondent, purported to be passed exercising the powers under Rule 176 of the Kerala Co-operative Societies Rules, which the petitioner had invoked, against Ext.P2. One of the contentions taken up by the petitioner is that the petitioner was not heard before Ext.P3 order was passed.

2. Government Pleader, on instructions, submits that the petitioner was not heard.

3. In such circumstances, Ext.P3 is quashed only for the reason that the petitioner was not heard. I am not going into the other contentions raised by the petitioner.

The writ petition is disposed of directing the first respondent to consider the matter afresh after giving an opportunity to the petitioner and respondents 2 and 3. A decision will be taken within a period of three months from today.

Sd/-

(K.M.JOSEPH)

JUDGE

sk/

//true copy//

P.S. To Judge